

20. Determinations

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

21. Notices

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

22. Notwithstanding the terms of the crop insurance policy and any contract for crop insurance under the provisions of this part, coverage under the terms of such crop insurance policy will be effective subject to the availability of appropriations.

[51 FR 5697, Feb. 18, 1986; 51 FR 8183, Mar. 10, 1986, as amended at 51 FR 29205, Aug. 15, 1986; 52 FR 3214, Feb. 3, 1987; 54 FR 20373, May 11, 1989; 55 FR 35888, Sept. 4, 1990; 58 FR 67645, Dec. 22, 1993; 60 FR 62722, 62723, Dec. 7, 1995; 62 FR 65349, Dec. 12, 1997]

PART 444 [RESERVED]**PART 445—PEPPER CROP INSURANCE REGULATIONS****Subpart—Regulations for the 1987 Through the 1997 Crop Years**

Sec.

- 445.1 Availability of pepper crop insurance.
- 445.2 Premium rates, coverage levels, and amounts of insurance.
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AUTHORITY: 7 U.S.C. 1506(l), 1506(p).

SOURCE: 51 FR 11293, Apr. 2, 1986, unless otherwise noted.

Subpart—Regulations for the 1987 Through the 1997 Crop Years**§ 445.1 Availability of pepper crop insurance.**

Insurance shall be offered under the provisions of this subpart on peppers in counties within the limits prescribed by and in accordance with the provi-

sions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation.

§ 445.2 Premium rates, coverage levels, and amounts of insurance.

(a) The Manager shall establish premium rates, coverage levels, and amounts of insurance for peppers which will be included in the actuarial table on file in the applicable service offices for the county and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant will elect an amount of insurance per acre and a coverage level from among those levels and amounts set by the actuarial table for the crop year.

§ 445.3 OMB control numbers.

OMB control numbers are contained in subpart H of part 400, title 7 CFR.

§ 445.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the contract.

§ 445.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the pepper crop insurance contract, whenever: (a) An insured under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation: (1) Is indebted to the Corporation for additional premiums; or (2) has suffered a loss to a crop which is not insured or for which the insured is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured believed to be insured, or believed the terms of the insurance contract to have been complied with or waived; and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than \$100,000.00 finds that: (1) An agent or employee of the